

Enrolled
House Bill 2175

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Kate Brown)

CHAPTER

AN ACT

Relating to financial information filed with the Secretary of State; amending ORS 293.265 and 576.416; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 293.265 is amended to read:

293.265. (1)(a) **Except as provided in paragraph (b) of this subsection,** it *[shall be]* **is** the duty of the officer or other person or agent collecting, receiving, in possession of, or having the control of any state *[money]* **moneys** or other funds, contributions or donations collected or received by, and to be expended by or on behalf of the state under the approval or supervision of any state **agency** *[officer, board, commission, corporation, institution, department or other state organization],* recognized by the laws of this state and having the power to collect and disburse state funds, to turn over all *[such moneys mentioned]* **the moneys described** in this section collected or received by or on account of *[such state officer, board, commission, corporation, institution, department or other state organization]* **the state agency,** to the State Treasurer not later than one business day after collection or receipt *[thereof]* **of the moneys.**

(b) *[However, The officer, board, commission, corporation, institution, department or other state organization]* **The state agency** may comply with *[this requirement]* **paragraph (a) of this subsection** by using a reasonable, longer period for the transmittal of particularly identified funds or categories of funds if it documents and maintains in its official files~~, and submits a copy of such documentation to the Division of Audits of the Secretary of State for review,~~ information that a valid business reason exists for using a longer transmittal period and that the period is no longer than necessary to satisfy that business reason. **Upon request of the Division of Audits of the Secretary of State, the state agency shall submit a copy of the documentation to the division.**

(2) The deposit by or on behalf of the state under the approval or supervision of any state **agency** *[officer, board, commission, corporation, public corporation, institution, department or other state organization]* of a check marked “paid in full,” “payment in full,” “full payment of a claim” or words of similar meaning does not establish an accord and satisfaction *[which]* **that** binds the state or prevents the collection of the remaining amount owed upon the obligation unless an officer or employee with actual authority to settle claims has agreed in writing to accept the check as full payment of a disputed obligation.

(3) Notwithstanding the provisions of subsection (1) of this section, subject to limits on amount adopted pursuant to subsection (4) of this section, a state agency may return any bank check or money order received by the **state** agency, whenever such bank check or money order is incomplete or the report or record applied for is not available or releasable or the payment is not owed. The

state agency shall keep a record of the check or money order returned, in the form prescribed by the Oregon Department of Administrative Services.

(4) After consultation with the State Treasurer, the department shall by rule limit the return, by [an] a state agency, of a bank check or money order under subsection (3) of this section to checks or money orders of less than the amount specified in the rule.

(5) As used in this section, "state agency" means any state officer, board, commission, corporation, institution, department or other state organization whose costs are paid wholly or in part from funds held in the State Treasury.

SECTION 2. ORS 576.416 is amended to read:

576.416. (1) A commodity commission shall adopt a budget on an annual basis using classifications of expenditures and revenues required by ORS 291.206. The budget is not subject to review by the Legislative Assembly or to future modification by the Emergency Board or the Legislative Assembly.

(2) A commission shall follow generally accepted accounting principles and keep financial and statistical information as necessary to completely and accurately disclose the financial operations of the commission as may be required by the Secretary of State. In addition, the budget must show the estimated receipts and expenditures by or under the authority of the commission under ORS 576.051 to 576.455 for the fiscal year for which the budget is adopted. The budget also must show the actual receipts and expenditures by or under the authority of the commission for the fiscal year preceding the fiscal year in which the proposed budget is prepared, if any, and the estimated receipts and expenditures by or under the authority of the commission for the fiscal year in which the budget is prepared, if any.

(3) Estimated receipts and expenditures for the fiscal year for which the budget is adopted must be fully itemized and be prepared and arranged to clearly show each item of receipts and expenditures. To the extent practicable, the items of receipts and expenditures must be arranged under major groups or categories that are the same as the most recent classifications of revenue and expenditures established pursuant to ORS 291.206.

(4) The budget shall contain only one estimate for emergency or other expenditures that are unforeseen at the time the budget is prepared.

(5) A commission shall call and hold at least one public meeting upon the proposed budget. In selecting a time and place for a meeting, a commission shall be guided by consideration for the convenience of the majority of the producers of the commodity. At a meeting, any person has a right to be heard with respect to the proposed budget.

(6) At least 14 days prior to the date of a meeting under subsection (5) of this section, a commission shall publish notice at least once in a newspaper of general circulation in this state. The notice must set forth the purpose, time and place of the meeting and state that a copy of the proposed budget is available for public inspection at the place of business of the commission or at another convenient location.

(7) After a budget has been adopted, a commission shall submit to the Director of Agriculture a copy of the budget and an affidavit setting forth the pertinent facts relating to the preparation and adoption of the budget. The director shall examine the budget and the affidavit within 15 days and, if the director determines that the estimated receipts and expenditures in the budget are in conformity with the authority of the commission and other applicable statutory requirements and that the facts set forth in the affidavit indicate that the budget was prepared and adopted in accordance with the law, the director shall certify those determinations on the copy of the budget and make the budget final. If the director determines that the budget fails to meet the requirements in any respect, the director shall immediately notify the commission of the particular failures. The commission shall promptly take all practicable measures to remedy the failures and shall resubmit a copy of the budget to the director for examination. The director shall retain the certified copy of the final budget and make the budget available for public inspection during normal business hours of the State Department of Agriculture.

(8) A commission shall prepare an annual financial statement of commission revenues and expenses and shall make the statement available for public review. A commission shall provide a copy of the statement to the [Secretary of State and the] department no later than [90] 30 days after the end of the state fiscal year. **Upon request of the Secretary of State, a commission shall provide a copy of the statement to the secretary.**

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House February 23, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 19, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State